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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Ernesto ANGULO-Pina,

Defendant

Magistrate Docket No.

'08 MJ 1495

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **May 12, 2008** within the Southern District of California, defendant, **Ernesto ANGULO-Pina**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th DAY OF MAY, 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Ernesto ANGULO-Pina

PROBABLE CAUSE STATEMENT

On May 12, 2008, Senior Patrol Agent S. Barr was performing patrol duties near the Tecate, California Port of Entry. At approximately 1:00 p.m., Agent Barr responded to a seismic intrusion device in an area known as "Wide Oak." This area is located approximately five miles west of the Tecate, California Port of Entry, and approximately twelve miles north of the International Border Boundary between Mexico and the United States.

Upon arriving in the area, Agent Barr found six individuals attempting to hide. Agent Barr identified himself as a United States Border Patrol Agent and conducted an immigration inspection. All six, admitted to being citizens and nationals of Mexico without any immigration documents allowing them to enter or to remain in the United States legally. All six were arrested and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 6, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having a lawyer present. The defendant admitted to being a citizen and national of Mexico without having the proper immigration documents allowing him to be or remain in the United States legally.